

Summary of Legislation Passed

1998 Senate Bills

ESSB 5760 Mentally Ill Offenders. (C 260 L 98)

Prime Sponsor: Senator Jeanine Long

- The court must order a presentence report when the court determines the defendant may be a mentally ill person.
- The court may order an offender to undergo mental health treatment if the offender is a mentally ill person and the condition is likely to have influenced the offense.
- If an offender fails to undergo mental status evaluation or treatment, the community corrections officer must consult with the offender's treatment provider before taking action on the violation.

ESSB 5936 Fee-Based Offender Education. (C 261 L 98)

Prime Sponsor: Senator Jeanne Kohl

- Requires DOC & the community colleges to collaboratively explore alternatives to increasing post-secondary academic opportunities for offenders;
- Requires a report to legislature that addresses such areas as fee-based pilot projects, correspondence & video courses, and K-20 technology; and
- Creates an exemption to the "mandatory deductions requirement" for money offenders receive to pay for fee-based educational programs.

SSB 6136 Background Checks & Drug Offenses. (C 10 L 98)

Prime Sponsor: Senator Bob Oke

- Permits agencies & persons performing background checks under Title 43 to receive information regarding convictions for certain drug offenses and to consider these offenses in their hiring decision.

SSB 6208 At-Risk Youth (BECCA IV) (C 296 L 98)

Prime Sponsor: Senator Jim Hargrove

- In 1995, the Legislature passed a comprehensive act dealing with runaway, truant, and at-risk youth, commonly referred to as the Becca Bill. SSB 6208 bill addresses unresolved issues concerning the parent's rights to obtain medical treatment for their children.
- Separates the procedures for chemical dependency and mental health treatment for minor children into three separate categories: (1) voluntary outpatient and inpatient treatment, (2) parent-initiated treatment, and (3) court-authorized involuntary treatment petitions.
- Parents may obtain mental health and chemical dependency treatment for their children, without the child's consent, when the decision is made by a medical professional.
- The bill also provides: (1) A children's statement of rights; (2) An

independent review based on medically necessary; (3) A child's right to file a petition requesting judicial review; (4) A mandatory ITA filing no later than 54 days after arrival; (5) The child's release upon written request of the parent; and (6) A 3 day hold to allow parent to file an ARY Petition.

- The court may utilize remedial (civil) contempt when enforcing the court's orders. Truancy petitions may be served in any manner reasonably calculated to provide actual notice.
- *Gives DSHS the ability to transfer funds to the counties for the operation of staff secure crisis residential centers. Requires DSHS to report the number of parent-initiated admissions to treatment facilities. Expands the crime of "unlawful harboring of a minor child." **These provisions were vetoed.***

2SSB 6214 Mentally Ill Commitment (C 297 L 98)

Prime Sponsor: Senator Jeanine Long

- This bill addresses issues related to the mentally ill misdemeanor offenders and is the result of recommendations by the Task Force on Mentally Ill Offenders. The bill provides a seamless system of care between two previously separate systems, the mental health and criminal justice systems. The bill focuses the process on public safety, increasing the sharing of information, and ensuring additional opportunities for treatment of mentally ill offenders.
- Helps protect the public from misdemeanor offenders who suffer from a mental illness and have a history of committing violent acts or offenses, or have previously been found incompetent or insane.
- Provides necessary treatment, supervision, and opportunity to restore competency for these offenders, while protecting the offender's due process rights. Ensures the offenders are examined by mental health professionals, and that the decision to release a mentally ill offender to the community will be reviewed by a court.
- Allows mental health professionals better access to records and information and ensures better decisions about offenders who pose a threat to public safety.
- DSHS must develop statewide protocols for use by County Designated Mental Health Professionals. The Washington State Institute for Public Policy and the Joint Legislative Audit Review Committee will conduct evaluations of this act.
- Many of the key provisions take effect on March 1, 1999. *The act is to expire on June 30, 2001. **The expiration clause was vetoed.***

ESSB 6238 Changes to the dependency statutes. (C 328 L 98)

Prime Sponsor: Senator Val Stevens

- The dependency statutes are amended to require DSHS file a supporting affidavit or declaration when seeking an ex parte court order to remove a child from the home. The affidavit or declaration must evidence imminent harm to

the child, and must be served with the petition and order on the parents at the time the child is removed.

- The summons served in a dependency action must notify the parent of the parent's right to documents DSHS intends to rely upon in support of its removal petition. The parent's must have an opportunity to review these documents prior to a shelter care hearing.
- Substance abuse is a risk assessment factor.
- *DSHS must report statistical information to the legislature concerning the relationship between substance abuse and dependency actions. (Vetoed)*

SB 6429 Children's Trust Fund. (C 268 L 98)

Prime Sponsor: Senator Long (By request of the WA Council for Prevention of Child Abuse and Neglect)

- Returned to WSCAP the interest on the Children's Trust Fund.

E2SSB 6445 Children in Community Facility Placements. (C 269 L 98)

Prime Sponsor: Senator Jeanine Long

- JRA must hold public hearings prior to siting any new community facility;
- JRA must work with local communities to establish community placement oversight committees (CPOC) following the results of the study;
- DSHS must adopt a policy for the common use of community facilities that house both JRA and DCFS children. JRA children who commit a class A felony may not be placed with DCFS children unless certain criteria are met;
- DSHS must adopt a violations policy and define serious infractions and violations. Juveniles who commit a serious infraction/violation must return to an institution until they can adhere to conditions of placement and a new risk assessment is done;
- Service providers must report serious infractions/violations upon discovery and all other infractions/violations within 24 hours. Failure to report properly subjects them to monetary penalties and contract sanctions. DSHS must maintain records of infractions/violations and consider a service provider's record in any contract action;
- DSHS must maintain a staffed, 24-hour toll-free phone. The number must be published and distributed to the persons most likely to have contact with the juvenile;
- Juveniles placed in a school, work, or volunteer situation are subject to monitoring agreements which state the juvenile's offender status, and provide for performance reviews, random accountability checks, and notification upon discovery of a breached condition;
- Juveniles are ineligible for placement until they have served the greater of 10% of their sentence or 30 days in an institution;
- Prior to placement, JRA must receive education records and review them in conjunction with other information to conduct a security classification and complete a risk assessment (indicating the juvenile poses not more than a minimal risk to public safety), local law enforcement must be properly

- notified, and any existing CPOC must review the placement;
- Employees and volunteers must pass background checks and are prospectively disqualified from access to children if they have committed sex or violent offenses. Failure to report a post-employment conviction constitutes misconduct; and
- WSIPP will conduct a study of community facilities, juvenile detention standards and parole effectiveness.

SB 6758 Work Ethic Camp Program. (C 273 L 98)

Prime Sponsor: Senator Jeanine Long

- Repeals the Sunset Clause.

1998 House Bills

SHB 1121 Child custody cases. (C 130 L 98)

Prime Sponsor: Representative Velma Veloria

- Grandparents, relatives or other caregivers can obtain a permanent child custody order that could be recognized in a juvenile court dependency action, which eliminates duplicitous court custody cases.

HB 1172 Sex Offender Registration. (C 220 L 98)

Prime Sponsor: Representative Duane Sommers

Amends Sex Offender Registration to require:

- The jurisdictional agency and the division of developmental disabilities to assist DD offenders to register;
- Registration within 72 hours of moving (change from 14 days prior);
- Non-resident offenders who are students or employed in Washington to register in this state; (6433)
- Registration prior to release from custody; (6433)
- Sheriffs to notify new jurisdiction when notified of an address change; (6433)
- Annual address verification; (6433)
- Ten-year minimum registration, with no relief for multiple offenders (6433); and
- Offenders who change their names to notify their county sheriff when an application has been made and when the change has been ordered. It restricts name changes that would interfere with law enforcement to religious and legitimate cultural reasons and changes in marital status (6640).

SHB 1781 Supervised Offender Monitoring. (C 223 L 98)

Prime Sponsor: Representative Kathy Lambert

- Authorizes establishment of the SMART (supervision monitoring and recidivist tracking) system database.
- Requires dormant information to be automatically archived after 7 years and

defines dormant and archived.

- Limits system to criminal justice administration purposes only.

ESHB 2346 DSHS Vender Revenue Recovery. (C 66 L 98)

Prime Sponsor: Representative Jim Clements

- When the department determines that it has overpaid a vendor, the vendor has the right to dispute the overpayment at an administrative hearing. The department may enforce an administrative order through any authorized debt collection action.

EHB 2350 Sex Offender Registry Information. (C 67 L 98)

Prime Sponsor: Representative Joyce McDonald

- Requires the state patrol to provide local law enforcement access to the sex offender central registry by merging the sex offender central registry database with the WA State Crime Information Center (WACIC) database.

SHB 2368 Higher Education Campus Security. (C 139 L 98)

Prime Sponsor: Representative Don Carlson

Requires:

- Registered offenders to notify their county sheriff of their enrollment in a higher education institution;
- Sheriffs must notify the higher education institution; and
- The Washington state patrol must notify all registered offenders of changes in the registration requirements.

SHB 2556 Child Abuse Prevention and Treatment. (C 314 L 98)

Prime Sponsor: Representative Suzette Cooke (By request of DSHS)

- AMENDMENTS TO CONFORM STATE LAW TO C.A.P.T.A. The paramount concern in providing "reasonable efforts" to reunify families is the health and safety of the child. Two aggravated circumstances are added to the current list of items justifying expedited termination of parental rights.
- The foster parents, pre-adoptive parents, or relatives providing care to a dependent child must be given the opportunity to provide input to the judge. The court must notify the caretakers of all review hearings.
- The court must hold a permanency planning hearing within 12 months after the date of the child's removal from home. Additional grounds for termination of parents' rights are created.
- Licensing and employment decisions by the department may not be based on unfounded child abuse or neglect reports. All persons named in founded reports of child abuse or neglect have the right to seek review of the finding.
- FAMILY POLICY COUNCIL. *The Family Policy Council's legislative membership is expanded from four members to eight members (Vetoed).* Network members must sign a declaration indicating whether they have a fiduciary interest in any agency. The council may recommend to the Legislature ceilings on network spending on planning and administrative

tasks. (6542)

- CITIZEN REVIEW PANELS. The Washington Institute of Public Policy will study the creation of citizen review panels to oversee the department's child abuse prevention and treatment activities. (6558)
- ADOPTION SUPPORT. Funds received from the adoption support program shall not be considered in determining a family's eligibility for the basic health plan. (6406)
- DRUG-AFFECTED INFANTS. DSHS shall define "drug-affected infant" and "alcohol-affected infant." DSHS shall operate a model project to serve women who give birth to infants exposed to drugs or alcohol. DSHS develops a comprehensive plan for provision of service to these women.
- *A process is established to test, report, and provide care for drug-affected and alcohol-affected infants. Mothers of these infants are given the choice of chemical dependency treatment or having a dependency petition filed for removal of their child. On the birth of a second child, the woman must use long-term pharmaceutical birth control and enter into treatment. After the birth of a third child, the court may enter a dependency order on all drug-affected children born before the third child. (5278 & 3008) **These provisions were vetoed.***

HB 2557 Notice of civil action for out-of-home placements for developmentally disabled children. (C 229 L 98)

Prime Sponsor: Representative Kip Tokuda (By request of DSHS)

- A department request bill, intended to make technical corrections, was amended to require DSHS notify parents of their right to civil action in cases where voluntary out-of-home placements are not agreed to for a developmentally disabled child.
- No court hearing is required for out-of-home placements that end within one-hundred and eighty days.

HB 2558 Technical corrections within the dependency statutes. (C 141 L 98)

Prime Sponsor: Representative Kip Tokuda

- Made technical cross reference corrections in the dependency statutes.

EHB 2707 Inmate Work Programs/Sex Offenders. (C 83 L 98)

Prime Sponsor: Representative Bill Backlund

- DOC must ensure that sex offenders in work programs not have any access to any individual's name, address, or telephone number in the course of performing his or her duties.

HB 2905 Sexually Violent Predators. (C 146 L 98)

Prime Sponsor: Representative Mike Carrell

- Sexually violent predators may not be placed, even temporarily, in any state mental health or regional habilitation center.